

**Amendment No. 1 to HB1028**

**Lamberth**  
**Signature of Sponsor**

**AMEND Senate Bill No. 949**

**House Bill No. 1028\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-101(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(1) Assault under:

(A) Subdivision (a)(1) is a Class A misdemeanor, punishable by incarceration and a fine not to exceed fifteen thousand dollars (\$15,000);

(B) Subdivision (a)(2) is a Class A misdemeanor; and

(C) Subdivision (a)(3) is a Class B misdemeanor.

(2) Any conduct by an inmate against a correctional officer, guard, jailer, or other full-time employee of a penal institution, local jail, or workhouse, that would constitute an assault under subdivision (a)(1) shall be reported by the managing authority of the institution to the appropriate district attorney general for prosecution.

(3) In addition to any other punishment that may be imposed for a violation of this section, if the relationship between the defendant and the victim of the assault is such that the victim is a domestic abuse victim as defined in § 36-3-601, and if, as determined by the court, the defendant possesses the ability to pay a fine in an amount not in excess of two hundred dollars (\$200), then the court shall impose a fine at the level of the defendant's ability to pay, but not in excess of two hundred dollars (\$200). The additional fine shall be paid to the clerk of the court imposing sentence, who shall transfer it to the state treasurer, who shall credit the fine to the general fund. All fines so credited to the general fund shall be subject to appropriation by the general assembly for

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the exclusive purpose of funding family violence shelters and shelter services. Such appropriation shall be in addition to any amount appropriated pursuant to § 67-4-411.

SECTION 2. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subsection (d) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 39-13-102, is amended by deleting subdivision (e)(1)(a)(i).

SECTION 4. Tennessee Code Annotated, Section 39-13-102, is amended by deleting from subdivision (e)(1)(B) the language "subsection (c), or subsection (d)" and substituting instead the language "or subsection (c)".

SECTION 5. This act shall take effect July 1, 2018, the public welfare requiring it.